

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 1-8, drawn to a coating material and method of making the same coating material;
- Group II: Claims 9-15, drawn to a photoconductor; and
- Group III: Claims 16-18, drawn to an electrophotographic apparatus and related process cartridge.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. M.P.E.P. § 803.

Applicants respectfully traverse the requirement for restriction on the grounds that the Office has not provided adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

The Office has characterized the relationship between Groups I, II and III, as well as Groups II and III as mutually exclusive species in an intermediate-final product relationship. Citing M.P.E.P. § 806.04(b), third paragraph, the Office suggests that the invention of Groups I and II are "deemed to be useful as a paint or [another] conventional polymer containing coating" and that the photoconductors of Group II are "deemed to be useful as photoconductors useful in other [apparati] such as solar cells or other photosensitive applications". However, there is no evidence of record to show that the inventions of Groups I and II are useful as the Office has alleged. In addition, the Office has failed to show that the alleged use of these inventions, either as a "paint" or in "solar cells" is materially different from the inventions claimed. Accordingly, Applicants respectfully submit that the requirement for restriction is improper and it should be withdrawn.

Moreover, M.P.E.P. § 803 states:

"If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants respectfully submit that a search of the claims would not impose a serious burden on the Office.

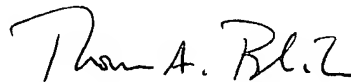
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction.

Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully submitted,

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